

NO. 24104

IN THE SUPREME COURT OF THE STATE OF HAWAII

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DAVID YASUMURA and ALICE YASUMURA,  
Plaintiffs-Appellants

vs.

KARL LILLIE and KJ & T CORPORATION,  
a Hawaii Corporation, Defendants-Appellees

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APPEAL FROM THE FIRST CIRCUIT COURT  
(CIV. NO. 95-3790)

ORDER

(By: Moon, C.J., Levinson,  
Nakayama, Ramil, and Acoba, JJ.)

Upon consideration of the motion for reconsideration of the July 19, 2001 order dismissing appeal, the papers in support and the record, it appears that: (1) we gave clear notice that

[a]n appeal from an order that is not reduced to a [separate] judgment . . . by the time the record is filed in the supreme court will be dismissed," Jenkins v. Cades Schutte Fleming & Wright, 76 Hawaii 115, 120, 869 P.2d 1334, 1339 (1994); and

(2) absent entry of a separate judgment on that part of the February 7, 2001 order that dismisses Civil No. 95-3790 without prejudice, the other part of the order that denies relief under HRCP 60(b) is not an appealable post-judgment order. Therefore,

IT IS HEREBY ORDERED that the motion for reconsideration or for temporary remand is denied.

DATED: Honolulu, Hawaii, August 7, 2001.

R. Steven Geshell  
for plaintiffs-appellants  
on the motion